

**REMARKS**

Upon entry of the present Amendment the Claims under consideration are 18, 22-30, 32-34, 52, 56, 58-64, 66-68, 71-72, 75-76, 80-82 and 86-88.

Claims 30 and 64 were indicated by the Detailed Action as allowable if rewritten to include the limitations of the base claims and any intervening claims.

Claim 30 has been placed in independent form by the incorporation of the appropriate limitations of base Claim 18. Claim 64 has been placed in independent form by the incorporation of the appropriate limitations of base Claim 52. Both claims are therefore believed to be placed in condition for allowance hereby. No new matter has been added.

Claims 23 and 60 have been amended to depend from claims currently under consideration.

Claim 57 has been cancelled as being redundant with its base claim. Claims 58 and 59 have had their dependency amended accordingly.

Claim 22 has been amended for consistency of terminology with its base claim.

Claims 28 and 62 have been amended to use the Markush-type claim language recommended by the Detailed Action.

The Detailed Action of 05 August 2004 will now be addressed with reference to the headings and any paragraph numbers therein.

**Claim Rejections -35 USC §112**

Per paragraph 3 of the Detailed Action, Claims 23-25 and 57-69 [sic, 60] are rejected as indefinite for dependent from cancelled claims. Per the above discussion, Claims 23, 57, and 60 have been amended to depend from claims currently under consideration.

Per paragraph 4 of the Detailed Action, Claims 28 and 62 are rejected as indefinite for using improper Markush-type language. Claims 28 and 62 have been amended to use the recommended claim language of the Detailed Action.

All present §112 rejections are therefore believed to be obviated.

### **Claim Rejections -35 USC §103**

Per paragraph 6 of the Detailed Action, Claims 18, 22-25, 29, 32-34, 52, 56-59, 63-64, 66-68, 80-82, and 86-88 stand as obvious over Assarsson *et al.* (U.S. Patent 3,901,236, hereinafter Assarsson) in view of Dodge, II *et al.* (U.S. Patent 5,994,615, hereinafter Dodge) and further in view of Veith *et al.* (U.S. Patent 5,516,569, hereinafter Veith).

Generally, with respect to absorbent webs, Assarsson teaches its coated superabsorbent particulates as being airlaid with wood pulp or placed between two airlaid pulp pads (col. 7, line 45). Dodge teaches a multifunctional absorbent material that has 30-75 weight percent slow rate superabsorbent, 25-75 weight percent pulp, and from a positive amount to ten weight percent binder. Veith teaches an absorbent structure of 0-45 wt.% fiber matrix, 40-85% (uncoated) superabsorbent particle (SAP) and 15-30 wt% water (see col. 2, lines 21-29).

None of the references teaches a web of a homogenous mixture of binder and cellulose-coated superabsorbent enabling a highly loaded ratio of above about 85 percent to about 98 percent, per the limitations of independent Claims 18 and 52 and claims dependent therefrom. Therefore it is respectfully requested that the rejections with respect to independent Claim 18 and 52 and all Claims dependent therefrom be withdrawn.

The Detailed Action admits that Assarsson does not disclose the absorbent capacity of the present invention. However the Detailed Action asserts that: "it would have

been obvious ... to have optimized the absorbency capacity of the web through the process of routine experimentation by optimizing factors such as the amount and placement of the superabsorbent particles, the choice of other components of the pad, etc.” Applicants respectfully traverse, noting first that Assarsson is primarily concerned with the making of a coated superabsorbent, and only peripherally mentions the coated superabsorbent in airlaid wood pulp pads (col. 7, line 45). It is further noted that Dodge is primarily drawn to a surge material unrelated to the present invention. It is this surge material which is cited by the Detailed Action as teaching the PE/PET bicomponent fiber of the present invention at col. 16, lines 10-22, (as cited at the top of page 3 of the Detailed Action). It is thus clear that the Detailed Action is mixing the teachings of two of the different materials taught in Dodge (a surge material and an absorbent material) and applying these teachings against the present claims in an impermissible *post hoc* fashion.

As is noted in the specification of the present invention, the placement of the superabsorbents and indeed, of all components of an absorbent system, is a matter of great consideration and skill (see e.g., pages 2-3 of the specification) involving many factors dependant upon the ultimate functioning and comfort of the web within a particular absorbent application, such as a particular type of personal care product. The Examiner has treated the teaching of cellulose coated SAP and noncoated SAP as interchangeable. They are two distinctly different particulates additives to a nonwoven web<sup>1</sup> requiring due consideration of the compatibility of material properties and functionalities desired of the finished web. As such, a direct substitution would not be considered as an obvious matter by a person having ordinary skill in the art.

Neither of the cited references presents a teaching similar to the present

invention which would lead to the claimed web(s) of the present invention. Thus, the *post hoc* application of a “reasonable experimentation” standard of obviousness does not raise the cited art to the level of a *prima facie* case of obviousness against the present invention.

For all the foregoing reasons, a *prima facie* case of obviousness has not been made by the Detailed Action and the present rejections must be withdrawn.

Per paragraph 7 of the Detailed Action, Claims 26-28, 60-62, 70-72, and 75-76 stand as obvious over Assarsson in view of Dodge and Veith and further in view of Radwanski *et al.* (U.S. Patent 4,939,016, hereinafter Radwanski). The present invention is concerned with web of a homogenous mixture of binder and cellulose-coated superabsorbent enabling a highly loaded ratio of the coated superabsorbent. Unlike the present invention, Radwanski is directed to a nonwoven web containing pulp as the absorbent, and is most particularly directed to the hydraulic entanglement of its thermoplastic and pulp layers. Radwanski appears to offer no suggestion of commonality with the present invention. Without the use of impermissible hindsight, no person having ordinary skill in the art would find any suggestion to combine Radwanski with Assarsson merely because Radwanski teaches meltblown fibers in its absorbent web.<sup>2</sup> Further, the Detailed Action’s proffered motivation of adding meltblown fibers to Assarsson in order to achieve enhanced esthetics appears to be incorrect because the cited passage of Radwanski (i.e., col. 5) attributes its enhanced esthetics to the hydraulic entangling process and not to the use of meltblown fibers. It is further noted that Claims 70-72 and 75-76 are drawn to support members for the claimed composite web. The passages cited by the Detailed Action (i.e., col. 8+) deal with “additional layers added prior to

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1 As noted by the teachings of the present invention and Assarsson.

2 Meltblown and elastomeric binder fibers are the subject of Claims 26-28 and 60-62, but not Claims 70-72 and 75-76.

hydroentangling" (see col. 9, line 11) and are not analogous to the support members taught and claimed in the present invention (e.g., at page 9, line 17). For all the foregoing reasons, a *prima facie* case of obviousness has not been made by the Detailed Action and the present rejections must be withdrawn.

Per the above discussion, none of the references, singly or in combination teaches or suggests a web of a homogenous mixture of binder and cellulose-coated superabsorbent enabling a highly loaded ratio of over about 85 percent to about 98 percent, per the limitations of the present Claims. Therefore it is respectfully requested that the rejections with respect to the present Claims be withdrawn.

Allowable Subject Matter

Per paragraph 8 of the Detailed Action, Claims 30 and 64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 30 has been placed in independent form by the incorporation of the appropriate limitations of base Claim 18. Claim 64 has been placed in independent form by the incorporation of the appropriate limitations of base Claim 52. Both claims are therefore believed to have been placed in condition for allowance hereby. No new matter has been added.

For all the foregoing reasons, the Claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

Request For Telephonic Interview

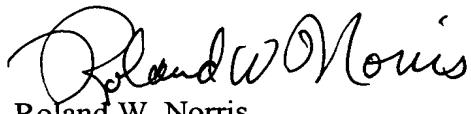
The Examiner is requested to call Applicants' attorney (per the provisions of M.P.E.P. § 713) to discuss any further problems or suggest solutions in defining the present

invention in order to expedite the case towards allowance before issuing a further Office Action.

As the present amendment presents no category of claims higher in number than the amount of claims for which Applicants have previously paid, no money is believed to be owed for placing Claims 30 and 64 in independent form. However, the Commissioner is hereby authorized to charge to Deposit Account No. 19-3550 should any additional fees be required.

Favorable consideration is requested.

Respectfully submitted,



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